

# Journal of Contemporary Health Law & Policy (1985-2015)

---

Volume 20 | Issue 1

Article 3

---

2003

## The Career of Leon Kass

Harvey Flaumenhaft

Follow this and additional works at: <https://scholarship.law.edu/jchlp>

---

### Recommended Citation

Harvey Flaumenhaft, *The Career of Leon Kass*, 20 J. Contemp. Health L. & Pol'y i (2004).

Available at: <https://scholarship.law.edu/jchlp/vol20/iss1/3>

This Dedication is brought to you for free and open access by CUA Law Scholarship Repository. It has been accepted for inclusion in Journal of Contemporary Health Law & Policy (1985-2015) by an authorized editor of CUA Law Scholarship Repository. For more information, please contact [edinger@law.edu](mailto:edinger@law.edu).

## ***DEDICATORY ESSAY***

### **THE CAREER OF LEON KASS\***

*Harvey Flaumenhaft\*\**

What has gone into making the remarkable career of Leon Kass? In sketching an answer to that question, it will be helpful for me to take account of what he himself has publicly had to say about it. I shall draw as well, after almost fifty years of close friendship with him, upon some memories of my own, keeping in mind that on one occasion when, for special reasons, he publicly embarked upon some autobiographical reflections, he said: "I generally recoil from public trafficking in private matters."

Leon said this while delivering some revealing remarks in October of 2001, when he received an honorary doctorate from the Spertus Institute of Jewish Studies. Other revealing remarks by him are quoted by the *Chicago Tribune* in an article published in August of 2001, when he was named chair of the President's Council on Bioethics. In 2003, he was provocatively autobiographical at Harvard University, when he received the Centennial Medal from the Graduate School of Arts and Sciences. Earlier, in the preface to the first book that he published, the 1985 collection of essays on biology and human affairs called *Toward a More Natural Science*, feeling a need to acknowledge debts, and thus to let some considerations of propriety override other considerations of propriety as well as those of privacy, he provided a public glimpse at private matters.

Apart from considerations of propriety and privacy, however, there are reasons to be wary of concentrating on where a thinker's coming from, instead of on his thought. If there's anything that one can learn from Leon's eloquent, insightful writings—especially his most philosophic work, *The Hungry Soul*, his learned meditation on the

---

\* This essay is in accordance with the author's preference and does not conform to the standards in *THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION* (Columbia Law Review Ass'n et al. eds., 17<sup>th</sup> ed. 2000).

\*\* Dean of the College, St. John's College, Annapolis, Maryland

significance of eating in the lives of human beings—it's that our dignity as human beings depends upon recognizing *both* that a living being doesn't simply outgrow what it grows out of *and also* that what a living being is, is more than what it grows out of. Our truly human condition is neither complete independence from what has generated us nor utter inability to venture freely forth from it. To know someone, one may need to know where he's coming from, but where he's coming from is not the same as where he's headed.

But, since Leon does, in the preface to his first book, publish a one-sentence epitome of what's gone into the making of his career, perhaps it will not be amiss to flesh out a bit his own public characterization of himself. "The author of this book is," he says, "by rearing a moralist, by education a generalist, by training a physician and biochemist, by vocation a teacher—and student—of philosophical texts, and by choice a lover of serious conversation, who thinks best when sharing thoughts and speeches with another." That's what he says that he has become. "Such a fellow incurs many debts," he then goes on to say, "which at this juncture [namely, the publication of his first book] he wishes to acknowledge." By considering some of those acknowledgements, along with other things that Leon has said and done, we can better understand the significance of what he himself says went into the making of his career.

#### REARED AS A MORALIST

In acknowledging his debts, Leon puts first things first: "Thanks are owed first to my parents," he says, "who first taught me by precept and example to put moral matters first and who pointed out...that learning and schooling are no substitutes for character." He says, by the way, that his parents pointed this out "long before I read it in Rousseau." Why Rousseau? We'll see why later. For now, let's look at what he says more fully about what he got from his parents—and about what was missing from what he got.

This elaboration is part of his remarks at the Spertus Institute: "my parents," he says, were "poor, unschooled, but also wise and proudly Jewish immigrants from Eastern Europe, arriving between the wars." The children were raised in "a Yiddish-speaking home, and ... were sent after school three times a week to the Sholem Aleichem Folk Schule.... Upon graduating I attended the Sholem-Aleichem /Arbeiter Ring Mittelschul, which held evening classes.... Our home was decidedly non-religious. I was never bar-mitzvahed, and remember being in a synagogue only once or twice before I was married. Morality, not Judaism, was the religion of our home, morality colored

progressively pink with socialism, less on grounds of Marxist theory, more out of zeal for social justice and human dignity.”

He went on to say: “My father, a quiet saintly man, was a crypto-Zionist, but my universalist mother was the moral and pedagogical force in the house. She had flirted with communism in her twenties and thirties, but had refused to join the Party because of its positions in favor of ‘free love’ and against the traditional family. Her teachings were uncomplicated: it was imperative that we did what was right, that we treated *all* people with respect, that we conducted ourselves decorously, responsibly, and uprightly as human beings—but also proudly as Jews. Though an unbeliever, she insisted that we stay home from school on the High Holidays out of respect for observant Jews, and we were not allowed out of the house on those days, unlike my synagogue-attending classmates who, after services, could be found in the vacant lot playing ball. Not academic achievement, worldly success, or social status but fine conduct and character were the only things that mattered, and both my parents flawlessly practiced everything that my mother preached, and then some.”

Something was missing, though. “Only years later would I discover,” he reflected, “that the seemingly secular moral teaching of my home was in fact parasitic on traditional Jewish religious thought. As with so many other Jews of her generation who took up the socialist dream, what moved my mother was the moral vision of the Jewish prophets, suitably politicized and freed from all reference to God or the need for law and observance.” But it took some time before Leon was able to make that discovery. Before it came to him, he moved on to college and to post-graduate work.

#### EDUCATED AS A GENERALIST

At the University of Chicago, Leon obtained the education that made him a generalist, as well as the beginning of the training that made him a physician and a biochemist. “As a result of my education at the University of Chicago during the mid-1950s,” he said at the Spertus Institute, “I became a devotee of liberal education by means of the great books, with a special fondness for the Greeks.” It was also “in the College of the University of Chicago,” he says in his preface, that one of his teachers—Joseph Schwab— “first woke me up and awakened, too, my interests in philosophy by showing me, painfully, that there were in fact questions where I had only answers; it was he who first introduced me to the question of organism...”

In moving from home to college, Leon moved from a world where moral virtue had primacy into one where intellectual virtue did,

primarily in a double form: great writings of Greek antiquity and perplexing questions of modern natural science. The teachings of his home persisted in his life, but did not lead to any specifically Jewish reading or to any questioning of scientific progress. As he said at the Spertus Institute, "I had a loose affiliation with Hillel, owing only to my affection for Rabbi Maurice Pekarsky, who explicitly was happy to welcome atheistic Jews into Hillel's activities.... But in outlook I remained a universalist partisan of the enlightenment, thinking that religion was superstition and that the progress of science and the arts would ultimately lead to a world of peace and prosperity, which in turn would enable human beings to flower also morally."

The unquestioning acceptance of scientific progress meant that however much Leon learned at the University of Chicago to be fond of the great books of the ancient Greeks, in his thinking during college there was also much that was derived, in however complicated a manner, from the sources that then and there were considered most progressive—namely, Marxists, Freudians, and existentialists. But where others found answers, Leon was, even then, eager to explore questions. We first met when I entered the College of the University of Chicago, in the fall of 1956, and what drew us almost immediately into close, long-lasting friendship was a taste for serious conversation that pressed him to consider and to reconsider assumptions, whether casual or dearly-held.

#### TRAINED AS A PHYSICIAN AND BIOCHEMIST

Leon had entered college early, and so he entered medical school only two years after I met him, but he stayed on at Chicago to do it, after which he went on to complete his training with an internship in medicine at a hospital in Boston.

After that, he entered Harvard to earn a doctorate in biochemistry. Of that time, Leon later had this to say when being honored by Harvard's Graduate School of Arts and Sciences: "I was at Harvard from 1963 to 1967, and was privileged to share in the great excitement of the golden age of molecular biology. Among the hot topics were the discovery of messenger and transfer RNAs, the search for the codons of the translational dictionary, and the race to find the repressor of gene transcription. I tasted the great pleasures of independent discovery, working most happily in the laboratory of Konrad Bloch, from whose example I learned how love of natural beauty and gentlemanly humanity (uncorrupted by receipt of the Nobel Prize) could flourish amid centrifuges and scintillation counters. But my biggest discovery came outside of the laboratory."

What set him up for that discovery was an experience in the summer of 1965, which he went on to describe as follows: “interrupting research for a month, my wife and I went to Mississippi to do civil rights work with the Medical Committee for Human Rights. We lived with a farmer couple in rural Holmes County, in a house with no telephone, hot water, or indoor toilet. We visited many families in the community, participated in their activities, and helped with voter registration and other efforts to encourage the people to organize themselves in defense of their rights. This deeply moving experience changed my life, but not in the way I expected.”

The experience that Leon had that summer not only was deeply moving; it changed his life by provoking fundamental questioning: “on returning to Cambridge,” he said, “I was nagged by this question: Why did I find more honor, integrity, and decency among the uneducated, poor black farmers in Mississippi than among my privileged, highly educated graduate student friends at Harvard? A man of the left, I had unthinkingly held the Enlightenment view that education and progress in science and technology would overcome superstition, poverty, and misery, allowing humankind to become at last the morally superior creature that only nature’s stinginess and religious and social oppression have kept it from being. Yet in Mississippi I saw people living in perilous and meager circumstances, many of them illiterate, but sustained by religion, extended family and community attachment, and by the pride of honest farming and homemaking. At Harvard, I was surrounded by many cocky young men on the make, filled with easy-going compassion for the unfortunate but, in interpersonal relations, generally looking out only for number one.... Here was a disconnect, and it bothered me.”

That’s how Leon articulated it years later back at Harvard. At the Spertus Institute he put it this way: “I differed from most of my fellows in that positivistic age only in that I cared passionately about ethical questions, including especially questions of social justice and civil rights. Paradoxically, it was the time my wife and I spent doing civil rights work in Mississippi in 1965 that caused me to shed my enlightenment faith and ultimately begin a journey in which Jewish thought would ultimately come to play a more prominent part. Why, I wondered then, was there more honor, decency, and dignity among the impoverished and ignorant but church-going black farmers with whom we had lived than among my privileged and educated fellow graduate students at Harvard, whose progressive opinions I shared but whose self-absorption and self-indulgence put me off. If poverty and superstition were the cause of bad character, how to explain this?”

## FINDING HIS VOCATION AS A TEACHER AND STUDENT

In the summer of 1966, I was preparing to begin teaching at a college not far from Boston, and had moved into a Cambridge house adjacent to the one where Leon was then living. Among the books that I planned to assign my classes that fall were Aldous Huxley's *Brave New World*, C.S. Lewis's *The Abolition of Man*, and Rousseau's *Discourse on the Sciences and Arts*, the last of which treats the question whether the restoration of the sciences and arts has contributed to the purification of morals. Knowing how much Leon was wrestling with a question arising from a tension between intellectual and moral virtue, I urged that he read Huxley and Lewis, and we agreed to read Rousseau's *Discourse* together that summer. This was a turning-point for him. The question that had nagged at him after returning to Harvard from his experience in Mississippi turned into a host of profound questions that have occupied him since.

"The two books that have most shaped Kass's perspective on bioethical issues," the *Chicago Tribune* reported when Leon was appointed to chair the President's Council on Bioethics, "are Aldous Huxley's *Brave New World* and C.S. Lewis's *The Abolition of Man*." Both books, Leon told them, "show how the perfectly reasonable and laudatory humanitarian project to conquer disease, master nature, relieve suffering, could, if we are not careful, lead to our degradation." Looking back, in his remarks at Harvard, Leon described as follows what happened that summer: "In summer 1966, my closest friend had me read Rousseau's explosive *Discourse on the Arts and Sciences*, for which my Mississippi and Harvard experiences had prepared me. Rousseau argues that, *pace* the Enlightenment, progress in the arts and sciences necessarily produces luxury, corruption of morals, debasement of tastes, and eventually, loss of freedom. Soon after, I read *Brave New World* and C.S. Lewis's *Abolition of Man*. I acquired a new set of questions, more challenging than how genes are regulated: What is the relation between scientific or technological progress and the moral health of a community? How can we reap the benefits of technology without eroding our freedom and our dignity? Does the scientific account of nature and human nature tell the whole, or even the best, story about us? These questions have never left me."

Later on, in his remarks at the Spertus Institute, he characterized the turning-point even more radically: "At this point my closest friend showed me Rousseau's *Discourse on the Arts and Sciences*, which argued that progress in the arts and sciences necessarily debases taste and corrupts morals, leading ultimately not to human emancipation but to human servitude. At the same time, through reading *Brave New*

*World* and C.S. Lewis's *Abolition of Man*, I began also to see how the scientific project to master nature could, if we are not careful, lead to our dehumanization, via eugenics, drug-induced contentment, and other transformations of human nature, possibilities already foreseeable in the new biology. Here was the true challenge for the modern moralist: how to keep human life human, when the threat comes from powers arising from man's *best* thinking and wielded not by racists but by philanthropic humanitarians? Though I would not then have expressed it in this manner, the challenge is simply stated: Will man remain a creature made in the image of God, aspiring to align himself with the divine, or will he become an artifact created by man in the image of God-knows-what, fulfilling the aspirations only of human will? Accepting the challenge, I soon shifted my career from doing science to thinking about its human meaning, worrying about upholding our humanity against possible technological degradation and looking for a more natural science that would do justice to human life as lived."

The following year, Leon moved to the Washington area to join the staff of the Laboratory of Molecular Biology at the National Institutes of Health. The first product of the turn in his thinking was "A Caveat on Transplants," which he published in the *Washington Post* in January of 1968. Before publishing it, he sent me a draft, which we discussed at great length. I went through it in detail, indicating places where he didn't seem to have chosen his words with the utmost care. In effect, I urged him to write as if someone were going to read him the way he read the author of a great book. That was enough. He took the suggestion to heart—and he ran with it.

The acknowledgments in Leon's preface include some embarrassingly generous special thanks to me, as "favorite interlocutor and critic, editor and midwife" for being the one "who first showed me what and how to read, and also how to write." I've always supposed that the hyperbole, insofar as it was not merely the manifestation of Leon's immense generosity, was a sign of the immense importance in his life of the reading he began in the summer of 1966 and of the writing he began in January of 1968, in both of which I was fortunate enough to be able to perform the offices of true friendship.

What I do not hesitate to take great credit for is something else—namely, recognizing, before Leon himself did, that his true vocation lay in being a teacher. While he was still in training for medicine, I remember his lamenting that he felt no strong inclination toward any particular medical specialty. They all seemed to him like one or another kind of work as a plumber—useful and important, but not something of a sort to lift the spirit. To my suggestion that he might



find psychiatry broader in scope, and more in touch with the patient as a whole, his reply was no, even that didn't draw him—but what on earth could he do if not be a physician? Teaching, I suggested. Deep down, I said, what he'd really like to do was what a teacher does. He couldn't believe I'd said that. Him—teach? He had nothing to teach, and no particular gift for teaching. I let it drop—and waited.

Six months after Leon published his piece on transplants in the *Washington Post*, I moved to Annapolis to teach at St. John's College; and a year and a half after that, Leon left the laboratory to become for two years the Executive Secretary of the Committee on the Life Sciences and Social Policy of the national Research Council, National Academy of Sciences, where he was charged with writing a report on the shape of things to come and on what might be done about it. Leon moved to Annapolis during that time, and I invited him to dinner with the Dean of St. John's. This led to Leon's becoming a part-time member of the St. John's faculty for four years. During that time, he taught a year-long seminar on ancient Greek books; special classes devoted to Aristotle's *De Anima*, to his *Nichomachean Ethics*, and to Darwin's *Origin of Species*; and a year-long class devoted to biological questions about organism and about species. During that time, he also held Guggenheim and NEH fellowships to do research on ancient and modern concepts of organism, species, and health, and he was a research professor in bioethics at Georgetown. "St. John's College, Annapolis, Maryland," says Leon in the preface to his first book, "in allowing me to serve part-time as tutor, introduced me to the vital reading of classic texts that informs many parts of this book and provided me the finest intellectual company I have yet enjoyed...."

Having found at St. John's his vocation as a teacher—that is, as a kind of student—Leon returned to the University of Chicago, now to teach in the College and in the Committee on Social Thought, with interruptions to be a fellow at the American Enterprise Institute and at the National Humanities Center. At Chicago, he won several awards for distinction as a teacher, and was a leader in the struggle to foster truly liberal education. He taught courses on such topics as organism, passions, courtship, science and morals, nature and custom, and human beginnings, and on such authors as Plato, Aristotle, Lucretius, Descartes, Rousseau, and Darwin, as well as on the beginning books of the Hebrew Bible. In addition to his scientific papers in molecular biology and his articles on bioethics, he wrote major books on the human significance of eating and on the Hebrew Bible as a path to wisdom.

His path to the Hebrew Bible was not a straight one. At the time he turned to bioethics, in 1968, his orientation was still simply secular. As

he said at the Spertus Institute, “It would take another ten years before I began looking for help in Jewish sources. When our children were born, we had joined a synagogue, recognizing that Yiddishkeit had little future in the United States and wanting our children to be Jewishly identified and more knowledgeable than their parents. But I still thought the answers to our moral dilemmas lay in philosophy and liberal education and in the attempt to develop a philosophical ethic that would be able to hold the human fort against the coming danger. Only by accident—or was it providence?—did I discover the worth of reading the Bible as a possible source of wisdom regarding human nature and how we are to live. Ironically, it happened while I was futilely digging for fossils in New Mexico one Shabbat in 1978 in the company of my friend Robert Sacks, who had just completed a full commentary on Genesis and who was regaling me with one after another of his discoveries in the text. I had, the previous year, taught Genesis in a new common core course at the University of Chicago, but it had not then seemed to me a book worth studying as closely as the works of the great philosophers or poets. It was, so I then thought, an edifying book that spoke only to believers. But as I listened to Sacks point out and interpret strange things in the text I realized that I had badly underestimated the subtlety of the Book and that I had yet to learn how to read it. I returned to Chicago eager to have another look. ... The stories of Genesis especially took hold of me. The characters seemed larger than life; the troubles they faced were clearly not so different from our own. In the story of Eden is the danger of human autonomy, in the story of Noah and his sons, the problem of paternal weakness and filial rebellion, in Babel the enduring prospect of technological hubris. Ancient Israel, dedicated to righteousness and holiness, emerges against the still prevalent human alternatives of Canaanite sexual wildness and Egyptian administrative despotism, the latter linked to the attempt to conquer death and decay through technology. There was, it seemed evident, deep wisdom to be found here. The Bible belonged in conversation with all my favorite philosophical texts, where, I began to suspect, it could more than hold its own. Over the past 20 years I have taught nine classes on Genesis (and one on Exodus), for both undergraduate and graduate students; these have provided the most enjoyable and successful experiences in nearly thirty years in the classroom. I also began writing on these stories, one by one, tying these ancient tales to contemporary moral and cultural dilemmas. ...I completed a manuscript on the entire book of Genesis, read in a philosophical spirit. Entitled “The Beginning of Wisdom,” it is addressed especially to the children of skeptics in the hope they might be able, more quickly than I, to benefit from the deep and profoundly humanizing teachings of our own tradition. As I

learned first from my very Jewish parents, we Jews continue to have a profoundly important task in the modern world, to bear witness to a transcendent possibility of righteousness and holiness, a task we can better perform if we pay attention to the sources of our great tradition.”

It was by a wandering way that Leon came to deal with a double difficulty—that Yiddishkeit lacked a future and that he lacked a past containing a theologically grounded upbringing. His difficulty was similar to that embodied in the paradoxical remark attributed to a prominent twentieth-century secular Zionist leader who, when asked for a religious credo, said: “I believe in the Jewish people, and the Jewish people believe in God.” Leon’s way of dealing with his own difficulty, and with the threat to human dignity posed by immensely powerful know-how in combination with unlimited willfulness and appetite, has been to study ever more intensely the book by which God and the Jewish people are linked, finding in it a deeply instructive source of humanizing wisdom.

#### A LOVER OF SERIOUS CONVERSATION

In the summer of 2001, when Leon accepted the chairmanship of the newly created President’s Council on Bioethics, he did so on the understanding that its work would go beyond scrutinizing stem cell research—that he would be presiding over a national forum to explore the relation between progress in modern technological science and the fostering of human dignity. “I esteem scientific discovery, and I treasure medical advance,” he told the *Chicago Tribune*. “But it’s very clear that the powers we are now acquiring to alter the human body and mind also pose a certain threat to the long-term future of the things that make us human.” Viewing his work of leading the Council as very like his work of teaching in the university, he said: “We do the President and the country as a whole a service if we decide that if a consensus emerges, fine, but what we really want is the clearest, deepest, most comprehensive presentation of the issues, perhaps even by advocates who disagree with each other.”

The fact that he was an outspoken man of firm convictions frightened those who expected the position to become a weapon in the hands of a zealot. But all who knew Leon knew better. Even those whose opinions do not agree with his have seen how much he values strong relentless efforts to test and clarify his views and statements. He has always welcomed challenging dialogue, even and especially when it concerns the most important matters and challenges his most cherished beliefs. To a remarkable degree, he delights in having pointed out to

him any weaknesses in what he says—delights in being pressed, and forced to rethink his thoughts, and give reply. As he told the *Chicago Tribune*: “I’m a person who believes that it’s possible by living and reading and thinking, that you can change your mind about important things. Speech is not just fighting by another name—it’s a process of inquiry to try to understand things better.” The man very seriously means what he says. No one loves serious conversation more than Leon Kass does, and no one I know makes it more central to true friendship.

